

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

FILED
HARRISBURG, PA

DEC 18 2017

Per ell
Deputy Clerk

(1) Joseph A. Brown #09401-007
(Name of Plaintiff) (Inmate Number)
UNITED STATES PENITENTIARY, CANAAN
P.O. Box 300, 3057 Easton Turnpike
(Address) WAYMART, PA 18472

(2) _____
(Name of Plaintiff) (Inmate Number)

(Address)

(Each named party must be numbered,
and all names must be printed or typed)

vs.

CIVIL COMPLAINT

(1) Matt Edinger, Counselor
(2) Marty Kemmerer, Senior Officer
(3) C.O. Gilligan
(Names of Defendants) ET AL.

(Each named party must be numbered,
and all names must be printed or typed)

TO BE FILED UNDER: ☐ 42 U.S.C. § 1983 - STATE OFFICIALS
☒ 28 U.S.C. § 1331 - FEDERAL OFFICIALS

I. PREVIOUS LAWSUITS

- A. If you have filed any other lawsuits in federal court while a prisoner, please list the caption and case number including year, as well as the name of the judicial officer to whom it was assigned:

CV14-1133SHR-JFS

CV14-1520SHR

CV17-25SHR-RM

II. EXHAUSTION OF ADMINISTRATIVE REMEDIES

In order to proceed in federal court, you must fully exhaust any available administrative remedies as to each ground on which you request action.

- A. Is there a prisoner grievance procedure available at your present institution? ☒ Yes ☐ No
- B. Have you fully exhausted your available administrative remedies regarding each of your present claims? ☒ Yes ☐ No
- C. If your answer to "B" is Yes:
1. What steps did you take? I filed the BP-8, BP-9, BP-10, AND BP-11. SEE Exhibits D1, D2, D3, D4
 2. What was the result? ALL GRIEVANCES WAS DENIED ON ALL LEVELS. I EXHAUSTED MY ADMINISTRATIVE REMEDIES. SEE Exhibits D1, D2, D3, D4
- D. If your answer to "B" is No, explain why not: _____

III. DEFENDANTS

- (1) Name of first defendant: Matt Edinger
 Employed as COUNSELOR at (USP) LEWISBURG
 Mailing address: 2400 ROBERT MILLER DRIVE, LEWISBURG, PA 17837
- (2) Name of second defendant: MARTY KEMMERER
 Employed as SENIOR OFFICER at (USP) LEWISBURG
 Mailing address: 2400 ROBERT MILLER DRIVE, LEWISBURG, PA 17837
- (3) Name of third defendant: C.O. Gilligan
 Employed as CORRECTIONAL OFFICER at (USP) LEWISBURG
 Mailing address: 2400 ROBERT MILLER DRIVE, LEWISBURG, PA 17837
- (List any additional defendants, their employment, and addresses on extra sheets if necessary)

IV. STATEMENT OF CLAIM

(State here as briefly as possible the facts of your case. Describe how each defendant is involved, including dates and places. Do not give any legal arguments or cite any cases or statutes. Attach no more than three extra sheets if necessary.)

1. THE DEFENDANT MATT EDINGER IS A PIVOTAL PLAYER IN A CAMPAIGN OF SYSTEMATIC RETALIATION WITH THIS CASE. HE HAS USED AN ABUSE OF DISCRETION, DELIBERATE INDIFFERENCE AS A CO-CONSPIRATOR AGAINST THE PLAINTIFF FOR FILING LAWSUITS AND GRIEVANCES AGAINST HIM AND STAFF. HE MISUSED HIS POSITION AS INTAKE COORDINATOR, AND ACTED IN CONJUNCTION WITH THE OTHER DEFENDANTS TO RETALIATE AGAINST THE PLAINTIFF IN A METH-
 ODICAL AND CALCULATED PLAN TO HAVE THE PLAINTIFF HARMED AND INJURED AGAIN UNDER HIS DIRECTION AND GUIDANCE. AS A RESULT, M. EDINGER CAUSED THE PLAINTIFF TO SUFFER A VERY SERIOUS AND TRAUMATIC EYE AND FACIAL INJURY WITH NUMEROUS FRACTURES AND WAS HOSPITALIZED ON FEB 4, 2016, AFTER BEING ASSAULTED BY AN INMATE DURING AN INCIDENT. THIS INCIDENT WAS ORCHESTRATED IN PART BY THIS DEFENDANT WHO PLAYED A PROMINENT ROLE. (SEE EXHIBIT C)

- #2. Defendant M. Kemmerer used a campaign of systematic retaliation, abuse of discretion, and deliberate indifference as a co-conspirator who acted in part as a prominent figure against the Plaintiff for filing lawsuits and grievances on him and staff. He acted in cahoots to help orchestrate with other defendants to retaliate in a methodical and calculated plan to have the Plaintiff further harmed and injured while under his guidance, direction, and supervision. (See Exhibits A, B) As a result, M. Kemmerer caused the Plaintiff to suffer a very serious and traumatic eye and facial injury and was hospitalized on Feb 4, 2016, after being assaulted during an incident with an inmate. (See Exhibit C)

3. Defendant C.O. Gilligan, while under the supervision, direction, and guidance of Senior Officer M. Kemmerer, failed and deliberately refused to alleviate and break-up a dispute and fight on Feb 4, 2016, while picking-up the food trays. C.O. Gilligan was part of a campaign to systematically retaliate against the Plaintiff. C.O. Gilligan also used an abuse of discretion, and deliberate indifference in his failure and deliberate refusal to call for assistance and break-up the fight that was going on in his presence. His inactions to respond caused the Plaintiff to suffer a very serious and traumatic eye and facial injury and be hospitalized. (Continued on Attachment page #4, #5) (See Exhibits A, B, C)

V. RELIEF

(State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.)

1. The Plaintiff ask for the court to schedule a jury trial for this case. And the Plaintiff will be pursuing this case in the defendant's individual and official capacity.
2. The Plaintiff demands the total sum of \$25,000,000 million dollars in compensatory damages for injuries suffered, and for the mental and emotional injuries suffered. (See Exhibit C)
3. And the Plaintiff ask for the jury and or court to assess added punitive damages for the willful intent, reckless endangerment, and malice of the defendants to injure and harm the Plaintiff.

(Attachment page)

(Page 1) continued;

NAME OF DEFENDANTS:

(4) Hussini, Assistant Warden of Operations

(5) David J. Ebbert, Warden

(Page 2) continued;

III. DEFENDANTS:

(4) NAME of fourth defendant: Hussini
Employed AS Assistant Warden of Operations AT (USP)
LEWISBURG
MAILING ADDRESS: 2400 ROBERT MILLER DRIVE, LEWISBURG, PA
17837

(5) NAME of fifth defendant: David J. Ebbert
Employed AS Warden AT (USP) LEWISBURG
MAILING ADDRESS: 2400 ROBERT MILLER DRIVE, LEWISBURG,
PA 17837

(Attachment page)

IV. STATEMENT of Claim

(page 3) continued;

#4. Defendant Hussini (A.W. of Operations) also participated in the campaign to systematically retaliate against the Plaintiff. (A.W. of Operations) Hussini failed in her duties when she used an abuse of discretion by authorizing the Plaintiff to be placed under the control, direction, guidance, care, custody, and supervision of defendants M. Edinger, and M. Kemmerer while being aware of the pending lawsuits against both. Her actions, and/or inactions to monitor the situation provided the defendants the opportunity to retaliate and caused the Plaintiff to be hospitalized with a very serious and traumatic eye, and facial injuries on Feb 4, 2016. (See Exhibit C)

#5. Defendant David J. Ebbert (Warden) also participated in the campaign to systematically retaliate against the Plaintiff when he failed in his duties to properly train and monitor his staff (defendants). The Warden's failure to properly train and monitor his staff (defendants), allowed the defendants to use, organize, and orchestrate a campaign of systematic retaliation against the Plaintiff while under his supervision, care, and custody. His failure to train staff properly was a lack of supervision by him and caused the Plaintiff to suffer a very serious and traumatic eye, and facial injury, and was hospitalized after being assaulted by an inmate on Feb 4, 2016. (See Exhibit C)

I declare under penalty of perjury that the foregoing is true and correct.

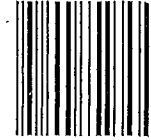
Signed this 25th day of DECEMBER, 2017.

Joseph A. Brown
(Signature of Plaintiff)

Joseph A. Brown #09401-007
United States Penitentiary, CANAAN
P.O. Box 300
3057 Easton Turnpike
Waymart, PA 18472



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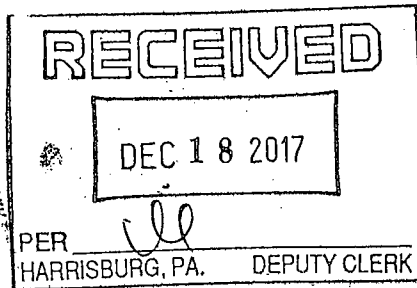


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